
HOUSE BILL No. 1392

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-14-29; IC 12-20-5.5-7.

Synopsis: Drug testing of welfare recipients. Requires development of a drug abuse testing program for applicants and recipients of nonmedical assistance from the federal Temporary Assistance for Needy Families (TANF), a county office of family and children, or a township trustee.

Effective: July 1, 2004.

Lehe, Koch, Neese

January 20, 2004, read first time and referred to Committee on Public Health.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1392

A BILL FOR AN ACT to amend the Indiana Code concerning welfare.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-72 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 72. "Drug abuse", for
3 purposes of **IC 12-14-29, IC 12-20-5.5, and IC 12-23**, means:

- 4 (1) psychological or physical dependence on the effect of drugs
5 or harmful substances; or
6 (2) abuse of the use of drugs or harmful substances;
7 that is harmful to the individual or society.

8 SECTION 2. IC 12-14-29 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2004]:

11 Chapter 29. Drug Abuse Testing

12 Sec. 1. (a) The division shall establish a random drug abuse
13 testing program as a condition for individuals applying for or
14 receiving nonmedical financial assistance from the following:

- 15 (1) The federal Temporary Assistance for Needy Families
16 (TANF) program (45 CFR 260 et seq.).
17 (2) A county office.



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(b) An individual who is at least sixty-five (65) years of age is exempt from drug abuse testing under this section.

Sec. 2. The division shall develop and implement a drug abuse testing program under this chapter that includes the following:

(1) Testing of randomly selected recipients of and applicants for:

(A) the federal Temporary Assistance for Needy Families (TANF) program (45 CFR 260 et seq.); and

(B) other nonmedical financial assistance through a county office.

(2) A urinalysis test.

(3) An appeals process for applicants and recipients.

(4) A method of determining a percentage of loss per month for four (4) months of benefits under the federal Temporary Assistance for Needy Families (TANF) program (45 CFR 260 et seq.) or other benefits through a county office for a recipient that refuses to submit to a drug test.

Sec. 3. An applicant or recipient tested under this chapter is not considered to have tested positive for drug abuse until the sample obtained from the original test has been retested to rule out a false positive by:

(1) gas chromatography with mass spectrometry;

(2) gas chromatography;

(3) high performance liquid chromatography; or

(4) an equal or more specific test.

Sec. 4. An individual described in section 1 of this chapter who tests positive for drug abuse under this chapter must agree to participate in drug abuse assessment and comply with a required drug abuse treatment plan.

Sec. 5. (a) An applicant for nonmedical financial assistance under the federal Temporary Assistance for Needy Families (TANF) program (45 CFR 260 et seq.) or other nonmedical financial assistance from a county office who:

(1) refuses to take a drug test required under this chapter without good cause; or

(2) fails to comply with a drug abuse assessment or treatment plan within two (2) months after receipt of the assessment or plan;

is not eligible to receive nonmedical benefits under the federal Temporary Assistance for Needy Families (TANF) program (45 CFR 260 et seq.) or other nonmedical financial assistance through a county office.

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(b) A recipient who refuses to submit to random drug testing loses a percentage of the recipient's nonmedical benefits determined by the division under section 2(4) of this chapter. After four (4) months of refusing to submit to a drug abuse test, the division shall deny nonmedical benefits under the federal Temporary Assistance for Needy Families (TANF) program (45 CFR 260 et seq.) and other nonmedical financial assistance through a county office to the recipient.

Sec. 6. The division may adopt rules under IC 4-22-2 necessary to implement this chapter.

Sec. 7. This chapter does not apply to financial assistance received from the federal Food Stamp Program (7 U.S.C. 2011 et seq.).

SECTION 3. IC 12-20-5.5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) The township trustee shall establish a random drug abuse testing program as a condition for individuals applying for or receiving nonmedical township assistance under this article.

(b) The township trustee shall develop and implement a drug abuse testing program under this section that includes the following:

- (1) Testing of randomly selected recipients and applicants of nonmedical township assistance.
- (2) A urinalysis test.
- (3) An appeals process for applicants and recipients.
- (4) A method of determining a percentage of loss per month for four (4) months of township assistance for a recipient that refuses to submit to a drug test.

(c) An applicant or recipient tested under this section is not considered to have tested positive for drug abuse until the sample obtained from the original test has been retested to rule out a false positive by:

- (1) gas chromatography with mass spectrometry;
- (2) gas chromatography;
- (3) high performance liquid chromatography; or
- (4) an equal or more specific test.

(d) An individual who tests positive for drug abuse under this section must agree to participate in drug abuse assessment and comply with a required drug abuse treatment plan.

(e) An applicant for nonmedical township assistance who:

- (1) refuses to take a drug test required under this section without good cause; or

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1 (2) fails to comply with a drug abuse assessment or treatment
2 plan within two (2) months after receipt of the assessment or
3 plan;

4 is not eligible to receive nonmedical township assistance under this
5 article.

6 (f) A recipient who refuses to submit to random drug testing
7 shall lose a percentage of the recipient's benefits determined by the
8 township trustee under subsection (b)(4). After four (4) months of
9 refusing to submit to a drug abuse test, the township trustee shall
10 deny nonmedical township assistance to the recipient.

11 (g) An individual who is at least sixty-five (65) years of age is
12 exempt from drug abuse testing under this section.

13 (h) The township trustee may adopt rules necessary to
14 implement this chapter.

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